

REMARKS

In the present Office Action, dated August 4, 2006, claims 1-27 and 33-40 are pending in the application. These same claims remain objected to and rejected based on various grounds. The Applicant addresses each of objections and rejections in the order they appear in the Office Action.

The Applicant would like to thank the Examiner for conducting a telephonic interview on January 30, 2007. The substance of this interview is addressed in the relevant sections below.

Election Acknowledgement

The Applicant thanks the Examiner for acknowledging the election made in the previous response. Claims 1-27 and 33-40 are currently elected for prosecution.

Claim Objections

At the outset, the Applicant thanks the Examiner for his diligent examination of the application. The Applicant has addressed the Examiner's objections in the following way:

- Claims 16-18 and 25-27, changing the term "for" to the term "to." These claims have been canceled.
- Claims 1 and 19 were amended to address format informalities
- Claims 2-15 were amended to change "A method" to "The method."
- Claims 20 – 24 were amended to change "A method" to "The method."
- Claims 34-40 were amended to change "A computer readable medium" to "The computer readable medium."
- Claims 1 and 19 have not been amended to address the Examiner's argument regarding the term "a server," since this general server could be instantiated as any one of "(A) a server comprising a plurality of Web pages with the same symbolic host name, (B) a server comprising a plurality of Web pages associated with the same domain, and (C) a server having a plurality of Web pages associated with the same IP address...." The applicants contend that such claiming is clear and non-ambiguous, especially in light of section 2173.05(h) of the MPEP discussed below in more detail in the next bullet point.

- Claims 1 and 19 have not been amended to address the Examiner's "at least one of" argument, since the MPEP allows such claiming per section **2173.05(h), part II**:
 - Alternative expressions using "or" are acceptable, such as "wherein R is A, B, C, or D." The following phrases were each held to be acceptable and not in violation of 35 U.S.C. 112, second paragraph in *In re Gaubert*, 524 F.2d 1222, 187 USPQ 664 (CCPA 1975): "made entirely or in part of"; "at least one piece"; and "iron, steel or any other magnetic material."
- Claim 13 has not been amended regarding the term "at least one" in line 2 for the same reasons given directly above (see MPEP **2173.05(h)**)
- Claim 33 has been amended to add an additional means to address the Examiner's citation of MPEP 2164.08(a). The Applicant makes this amendment without conceding the propriety of this objection, since "[w]hen claims depend on a recited property, *a fact situation comparable to Hyatt is possible*, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor." The Applicant contends that such a fact situation has not arisen herein, but in order to expedite prosecution and to address this objection and other rejections, namely, those under 35 U.S.C. § 101, claim 33 has been amended.

Claim Rejections Under 35 U.S.C. § 112

The Applicant addresses the claim rejections herein in the order they appear in the present Office Action:

- Regarding the rejection of the terms "the same symbolic host name," the Applicant would like to present the following for the Examiner's consideration. Section 2173.05(e) of the MPEP states that:
 - Inherent components of elements recited have antecedent basis in the recitation of the components themselves. For example, the limitation "the outer surface of said sphere" would not require an antecedent recitation that the sphere has an outer surface."

Looking now at the rejected terms, "(A) a server comprising *a plurality of Web pages with **the** same symbolic host name*," it is arguable that in this context a plurality of web pages may inherently have the same symbolic host name. If the Examiner insists that this should be changed to "a plurality of Web pages with **a** same symbolic host name," the Applicant is willing to further discuss this option, but at best it sounds awkward and obfuscates the claim language. Therefore, the Applicant respectfully submits that this claim remain unchanged. The undersigned can be reached at 206-903-2461 to further discuss this issue.

- Regarding the terms “the same domain,” please the remarks made directly above.
- Regarding the terms “the same IP address,” please the remarks made directly above.
- Regarding claim 37 and the terms “the number of outlinks,” the Applicant submits that outlinks (plural) would inherently be of some “number.” Hence there is sufficient antecedent basis for this claim.
- Regarding claims 38-40, please see remarks made directly above discussing MPEP 2173.05(e).
- Regarding claim 1, the term “wherever located” has been deleted.
- Regarding claim 12, the term “preferred” has been deleted. Also, claim 13 has been amended accordingly, deleting the term “preferred.”
- Regarding claims 1 and 19 having missing steps, such additional steps have been added. Support for this amendment can be found at least in paragraph [0071].
- Regarding claims 14 and 15 and the terms “second scoring technique,” the Applicant has amended these claims to recite the notion that “an additional” scoring technique is being used (i.e. additional to the initial/first technique recited in claim 1). Support for this amendment can be found at least in paragraphs [0067] – [0068].

As was mentioned above, if the Examiner has any questions regarding any comments made herein, the undersigned would be glad to discuss these remarks in further detail in order to expedite prosecution. The undersigned can be reached directly at: 206-903-2461.

Claim Rejections Under 35 U.S.C. § 101

During the telephonic interview, held on January 30, 2007, the Examiner, and a Primary Examiner (Singh) sitting in on the telephonic conference, came to the determination that to overcome these rejections, an additional step of storing, displaying, etc. was needed to overcome these rejections.

First, claims 16-18 and 25-27 have been canceled. Regarding claim 33, the Applicant has added the limitation of “means for storing the score.” Support for this amendment can be found at least in paragraph [0071]. Thus, without conceding the propriety of these rejections and in order to expedite prosecution, the Applicant has amended the claims accordingly.

Please see the listing of the claims, above.

Claim Rejections Under 35 U.S.C. § 102 and 103

Claims 1, 19, and 33 are the independent claims pending in the present application. For example, representative claim 1 recites:

A method for assigning a score to a document of a plurality of structurally linked documents wherein the document is located on a Web server defined by at least one of: (A) a server comprising a plurality of Web pages with the same symbolic host name, (B) a server comprising a plurality of Web pages associated with the same domain, and (C) a server having a plurality of Web pages associated with the same IP address and the document has at least one backlink from at least one other document of the plurality of structurally linked documents, comprising:

assigning the score to the document in inverse proportion to the number of documents located on said Web server; and
storing the score.

(emphasis added). Applicant maintains that no such assigning is being performed by Dutta on page 8, paragraph [0047], lines 20-21 (Office Action, p. 8). Nor is such assigning being performed by Dutta in paragraph [0010] – a point of discussion during the telephonic interview.

During the telephonic interview, conducted on January 30, 2007, the undersigned and the Examiner (along with the Primary Examiner) discussed how the claimed subject matter above differed from Dutta. Both Examiners appreciated the distinction the undersigned made between claim 1 and Dutta. To memorialize this telephonic interview, the discussed subject matter is explained herein.

As can be seen, claim 1 recites “assigning the score to the document in inverse proportion to the number of documents located on said Web server.” Dutta, on the other hand, discloses a completely different technology. By way of context, user category weights may be associated to a file indexed within a search database. The category weight may be a value assigned that determines the degree of relevance or suitability of the file to the user category. Moreover, weights within a user category may be assigned equal values, if so warranted. Thus, Dutta provides the following example:

Accordingly, in the example of FIG. 6, URL 1 has been assigned category weights of 10, 5, and 1 for user category 1, user category 2 and user category 3 respectively. In similar fashion, user category 1 has weights of 10, 5, and 1 assigned for URL 1, URL 2, and URL 3 respectively. *Consequently, for the methods in which the rank of the file is in inverse order to the weighting value* and assuming all three URLs correspond to a search criteria, a user assigned to user category 1 would receive a search result list ranked with URL 1, URL 2, and URL 3 in that order. Similarly, a user assigned to user category 3 would receive a list ranked with URL 3, URL 2, and URL 1 in that order. Alternatively, if the ranking of the files is directly proportional to the category weight value, a user assigned with user category 2 would receive a list ranked with URL 2, URL 1, and URL 3 in that order.

Paragraph [0047] (emphasis added). In the Office Action, the Examiner uses the emphasized language as a basis for rejecting claim 1 – “‘number of documents’ could mean ‘weighing value’,” Office Action, p. 8).

As was explained during the telephonic interview, there’s a fundamental and unbridgeable difference between (A) ranking files in inverse order to weighing values assigned to URLs (Dutta) and (B) “assigning the score to the document in inverse proportion to the number of documents located on said Web server” (claim 1). In the former case, a ranking of URLs is performed, such as URL₁ with a value of “1” is first, URL₂ with value of “10” is second, URL₃ with value of “100” is third, and so on. This is weighing in inverse proportion to the weighing value. Contrast this with “*assigning* [not ranking] the score to the document in inverse proportion to the number of documents [not some weighing value] located on said Web server.” Thus, Applicant maintains that claim 1 patentably defines over the Dutta reference.

Independent claims 19 and 33 recite similar limitations and are thus allowable for similar reasons. The dependent claims, insofar as they incorporate the limitations of the independent claims, also patentably define over the cited art. Accordingly, Applicants submit that all the currently pending claims 1-15, 19-24, and 33-40 patentably define over the cited art. Withdrawal of the rejected claims and is thus earnestly solicited.

CONCLUSION

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Office Action, and submits that claims 1-15, 19-24, 33-40 of

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the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited.

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